



February 01, 2021

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF TEXAS  
3 AUSTIN DIVISION

4 STUDENTS FOR FAIR )  
5 ADMISSIONS, INC, )  
6 Plaintiff, ) CIVIL ACTION  
7 VS. ) NO.: 1:20-cv-00763-RP  
8 UNIVERSITY OF TEXAS AT )  
9 AUSTIN, ET AL., )  
10 Defendants. )  
11 -----  
12 ORAL AND VIDEOTAPED DEPOSITION OF  
13 [REDACTED]  
14 FEBRUARY 1, 2021  
15 VOLUME 1  
16 -----  
17 ORAL AND VIDEOTAPED DEPOSITION OF [REDACTED]

18 produced as a witness at the instance of the DEFENDANT,  
19 and duly sworn, was taken in the above-styled and  
20 numbered cause on February 1, 2021, from 9:38 a.m. to  
21 1:25 p.m. via Zoom, before Miah Hoffman, CVR in and for  
22 the State of Texas, reported by oral stenography,  
23 pursuant to the Federal Rules of Civil Procedure and the  
24 provisions stated on the record or attached hereto.

February 01, 2021  
Page 2

1 A P P E A R A N C E S

2 FOR THE PLAINTIFF:

3 J. MICHAEL CONNOLLY  
CONSOVOY MCCARTHY PLLC  
4 1600 Wilson Boulevard, STE 700  
Arlington, Virginia, 22209  
5 Phone: (703) 243-9423  
Mike@consovoymccarthy.com

6

7 FOR THE DEFENDANTS UNIVERSITY OF TEXAS AT AUSTIN:

8 MATTHEW C. POWERS  
GRAVES DOUGHERTY, HEARON &  
9 MOODY, P.C.  
10 401 Congress Avenue, Suite 2700  
Austin, Texas 78701  
Phone: (512) 480-5725  
11 Fax: (512) 539-9938  
mpowers@gdhm.com

12

13 FOR THE DEFENDANTS UNIVERSITY OF TEXAS AT AUSTIN:

14 JOHN J. (MIKE) MCKETTA III  
GRAVES DOUGHERTY, HEARON &  
15 MOODY, P.C.  
16 401 Congress Avenue, Suite 2700  
Austin, Texas 78701  
Phone: (512) 480-5725  
17 Fax: (512) 539-9938  
mmcketta@gdhm.com

18

19 FOR THE DEFENDANTS INTERVENORS:

20 DAVID HINOJOSA  
LAWYERS' COMMITTEE FOR CIVIL  
21 RIGHTS UNDER LAW  
1500 K. Street, NW, Suite 900  
Washington, D.C. 20005  
Phone: (202) 662-8600  
23 Fax: (202) 783-0857  
dhinojosa@lawyerscommittee.org

February 01, 2021  
Page 3

1 A P P E A R A N C E S

2 FOR THE DEFENDANTS INTERVENORS:

3 CARTER C. SIMPSON  
4 HUNTON ANDREWS KURTH LLP  
5 2200 PENNSYLVANIA AVENUE, NW  
Washington, D.C. 20037  
Phone: (202) 955-1850  
5 csimpson@huntonak.com

6  
7 ALSO PRESENT:

8 JOSEPH (JODY) HUGHES: Associate Vice President For  
9 Legal Affairs (UT)

10 KTA HOST: DEA BROWN

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

February 01, 2021  
Page 4

	INDEX	
		PAGE
1		
2		
3	Appearances.....	2
4		
5	[REDACTED]	
6	Examination by Mr. Powers.....	5
7	Examination by Mr. Hinojosa.....	60
8	Examination by Mr. Connolly.....	105
9		
10		
11	EXHIBITS	
12	NO.    DESCRIPTION	PAGE
13	1    Decl. Of Alexandra Trujillo.....	91
14	2    Decl. Of Brianna McBride.....	101
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

February 01, 2021  
Page 5

1

## PROCEEDINGS

2

REPORTER: We are on the Record. Today's date is February 1st, 2021. The time is 9:38 a.m. This is the oral deposition of [REDACTED], and it is being conducted remotely by agreement of the parties or in accordance with current Emergency Orders. The witness is attending from [REDACTED]  
[REDACTED].

8

My name is Miah Hoffman, my CVR # is 7859 with Kim Tindall & Associates. I am administering the oath and reporting the deposition remotely by oral stenographic means.

13

My business address is 16414 San Pedro Avenue, Suite 900, San Antonio, Texas 78232. The witness has been identified to me through his Texas driver's license.

17

Would counsel go ahead and please state their appearances for the record?

19

MR. POWERS: Matt Powers for the defendants.

21

MR. MCKETTA: Also for defendants.

22

MR. CONNOLLY: Michael Connolly for plaintiff, Students For Fair Admissions.

24

MS. SIMPSON: Carter Simpson for the defendant, Intervenors.

February 01, 2021  
Page 6

1 MR. HINOJOSA: David Hinojosa, defendant,  
2 Intervenors.

3 (Witness duly sworn.)

4 [REDACTED],  
5 having been first duly sworn, testified as follows:

6 EXAMINATION

7 BY MR. POWERS:

8 Q. [REDACTED] would you please state your name  
9 for the record?

10 A. [REDACTED]

11 Q. Your first name is [REDACTED] and your last name  
12 is [REDACTED], correct?

13 A. Yes.

14 Q. Have you ever given a deposition before, [REDACTED]  
15 [REDACTED]?

16 A. No.

17 Q. Okay.

18 MR. CONNOLLY: Matt, I'm sorry to  
19 interrupt. I should have said this before. Can I put  
20 the stipulations that we agreed to on the record?

21 MR. POWERS: Yes, very good.

22 MR. CONNOLLY: Okay. So this is what the  
23 parties agreed to before the deposition. During this  
24 deposition it is possible that UT or the Intervenors  
25 will have questions that SFFA believes infringe upon the

February 01, 2021  
Page 45

1 them use my profile, and I answered questions that SFFA  
2 has.

3 Q. (BY MR. POWERS) Now, have you ever been  
4 invited to vote as an SFFA member on any matter?

5 MR. CONNOLLY: Objection to the form.

6 THE WITNESS: I'm not sure.

7 Q. (BY MR. POWERS) Have, you in fact, ever voted  
8 on any matter of SFFA?

9 MR. CONNOLLY: Objection on First  
10 Amendment associational privilege. I instruct the  
11 witness not to answer the question.

12 Q. (BY MR. POWERS) Sitting here today, can you  
13 recall one way or the other whether you voted on any  
14 matter for SFFA?

15 MR. CONNOLLY: Objection on First  
16 Amendment associational privilege. This is a yes or no  
17 question about whether you are -- whether -- this is a  
18 yes or no question.

19 THE WITNESS: I don't remember.

20 Q. (BY MR. POWERS) Do you know what SFFA's  
21 procedures are for conducting elections?

22 A. No.

23 Q. Do you know what SFFA's procedures are for  
24 taking votes on any matter?

25 MR. CONNOLLY: Objection to the form.

THE WITNESS: I don't know.

Q. (BY MR. POWERS) Now, do you have the authority of SFFA to hire or obtain legal counsel on its behalf?

MR. CONNOLLY: Objection to the form.

THE WITNESS: I'm not sure.

Q. (BY MR. POWERS) You think it's possible that you have that authority to hire legal counsel on behalf of SFFA?

MR. CONNOLLY: Objection to the form.

THE WITNESS: I don't know.

Q. (BY MR. POWERS) Do you have authority from SFFA to act on the advice of legal counsel on SFFA's behalf?

MR. CONNOLLY: Objection to the form.

THE WITNESS: Can you restate the question, please?

Q. (BY MR. POWERS) Sure. Are you a person authorized by SFFA to act -- to act on the advice of legal counsel?

MR. CONNOLLY: Objection to the form.

THE WITNESS: I'm not sure really what you mean. I'm not sure what you're asking. So I don't know.

Q. (BY MR. POWERS) Do you have authorization to spend money on behalf of SFFA?

February 01, 2021  
Page 52

1                           THE WITNESS: Yes, membership dues, paid  
2 membership dues.

3                           Q. (BY MR. POWERS) That's the \$10.00 fee you  
4 referred to earlier?

5                           A. Correct.

6                           Q. Anything else?

7                           MR. CONNOLLY: Objection to the form.

8                           THE WITNESS: I'm not sure.

9                           Q. (BY MR. POWERS) In your understanding what are  
10 your rights as a member of SFFA?

11                          A. I'm not sure.

12                          Q. Do you serve on any committee within SFFA?

13                          A. No.

14                          Q. Do you know whether SFFA has any committees?

15                          A. I'm not sure.

16                          Q. Is there a membership roster that you've been  
17 permitted to see?

18                          MR. CONNOLLY: Objection to the form.

19                          THE WITNESS: I don't remember.

20                          Q. (BY MR. POWERS) Do you know how many members  
21 SFFA has?

22                          A. Approximately 20,000, I believe.

23                          Q. And have you ever been given access to that  
24 member roster?

25                          A. I'm not sure.

February 01, 2021  
Page 111

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF TEXAS  
3 AUSTIN DIVISION

4 STUDENTS FOR FAIR )  
5 ADMISSIONS, INC., )  
6 Plaintiff, ) CIVIL ACTION  
7 VS. ) NO: 1:20-cv-00763-RP  
8 UNIVERSITY OF TEXAS AT )  
9 AUSTIN, ET AL., )  
10 Defendants. )

11 REPORTER'S CERTIFICATE  
12 OF [REDACTED]

13 I, Miah Hoffman, CVR, do hereby certify that the  
14 foregoing deposition is a full, true and correct  
15 transcript;

16 That the foregoing deposition of Witness, [REDACTED]  
17 [REDACTED], the Witness, hereinbefore named was at the time  
18 named, taken by me in oral stenograph on February 1,  
19 2021, the said Witness having been by me first duly  
20 cautioned and sworn to tell the truth, the whole truth,  
21 and nothing but the truth, and the same were thereafter  
22 reduced to typewriting by me or under my direction. The  
23 charge for the completed deposition is \$ \_\_\_\_\_ due from  
24 Defendant;

25 ( ) That pursuant to the Federal Rules of

February 01, 2021  
Page 112

1 Civil procedure, the Witness shall have 30 days after  
2 being notified by certified mail, return receipt  
3 requested, by the deposition officer that the original  
4 deposition transcript is available in her office for  
5 review and signature by the Witness and if any  
6 corrections made are attached hereto;

7 ( ) That by agreement of counsel, a reading  
8 condensed copy of the deposition transcript along with  
9 the full-sized original Changes and Signature Sheet has  
10 been sent to \_\_\_\_\_ on \_\_\_\_\_ for review  
11 and signature within 30 days and if any corrections  
12 returned are attached hereto;

13 ( ) That by agreement of counsel, the  
14 deposition officer is instructed to release the original  
15 deposition transcript to

16 \_\_\_\_\_ on \_\_\_\_\_ for review and  
17 signature, and the deposition officer is thereafter  
18 released of any further responsibility with regard to  
19 the original;

20 ( ) That the witness shall have thirty (30)  
21 days for review and signature of the original transcript  
22 and if any corrections returned are attached hereto;

23 ( ) That the signed transcript ( ) was ( ) was  
24 not received from the Witness within 30 days;

25 ( ) That the examination and signature of the

February 01, 2021  
Page 113

1 Witness is waived by the Witness and the parties;

2 That the amount of time used by each party at  
3 the deposition is as follows:

4 Mr. Powers: 01 HOURS:38 MINUTE(S)  
5 Mr. Hinojosa: 01 HOURS:25 MINUTE(S)  
5 Mr. Connolly: 00 HOURS:01 MINUTE(S)

6 I further certify that I am neither counsel for,  
7 related to, nor employed by any of the parties or  
8 attorneys in this action in which this proceeding was  
9 taken, and further that I am not financially or  
10 otherwise interested in the outcome of the action.

11 Certified to by me this 3rd day of February,  
12 2021.

13 *Miah Hoffman*

14 \_\_\_\_\_  
15 MIAH HOFFMAN, CVR 7859  
16 Expiration Date: 9/1/2021  
17 Firm Registration No. # 631  
17 Kim Tindall & Associates, LLC  
18 16414 San Pedro, Suite 900  
18 San Antonio, Texas 78232  
19 Phone 210-697-3400  
19 Fax 210-697-3408

20

21

22

23

24

25